

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - :

DANIEL AYALA, :
a/k/a "Danny" :

Defendant. :

----- x

07 CRIM. 1019

INDICTMENT

07 Cr.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: **NOV 13 2007**

COUNT ONE

The Grand Jury charges:

1. From in or about 2003, up to and including in or about 2004, in the Southern District of New York and elsewhere, DANIEL AYALA, a/k/a "Danny," the defendant, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that DANIEL AYALA, a/k/a "Danny," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 100 grams and more of mixtures and substances containing a detectable amount of heroin, in violation of Sections 812, 841(a)(1) and 841(b)(1)(B) of Title 21, United States Code.

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among

others, were committed in the Southern District of New York and elsewhere:

a. In or about December 2003, DANIEL AYALA, a/k/a "Danny," the defendant, drove to a house located in Mount Vernon, New York, to purchase heroin.

b. In or about January 2004, DANIEL AYALA, a/k/a "Danny," the defendant, drove to a house located in Mount Vernon, New York, to purchase heroin.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

4. As a result of committing the controlled substance offense alleged in Count One of this Indictment, DANIEL AYALA, a/k/a "Danny," the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Indictment, including but not limited to a house located at 4121 Edson Ave, Bronx, New York.

Substitute Asset Provision

5. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant --

1. cannot be located upon the exercise of due


diligence;

2. has been transferred or sold to, or deposited with, a third person;
3. has been placed beyond the jurisdiction of the Court;
4. has been substantially diminished in value;
or
5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846 and 853.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

